

AMENDED IN SENATE APRIL 17, 2007

**SENATE BILL**

**No. 578**

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**Introduced by Senator Simitian**

February 22, 2007

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An act to add Chapter 6.93 (commencing with Section 25430) to Division 20 of the Health and Safety Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

SB 578, as amended, Simitian. Environment: high production volume chemical.

Existing law authorizes the California Environmental Protection Agency (Cal-EPA) to request a business to submit the information required to be submitted in the toxic chemical release form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA).

~~This bill would require a manufacturer of a chemical that is manufactured in, or imported into, the United States in an amount equal to, or greater than, 1,000,000 pound per year (high production volume chemical) to provide to the Department of Toxic Substances Control according to a specified schedule, the chemical's physiochemical, toxicological, and ecotoxicological information, identification of industry sectors that purchase more than 5% of these chemicals, and, of those industry sectors, identification of industry sectors whose products are likely to be exposed to human. A high production volume chemical would be prohibited from being manufactured, imported, or used in the state, if the manufacturer fails to provide the required information. The department would be required to make available to the public all the information provided by a manufacturer regarding the high production volume chemical.~~

*This bill would require a manufacturer, as defined, of a high production volume chemical, by October 1, 2008, to submit to the Department of Toxic Substances Control, in an electronic format specified by the department, any environmental health information that the manufacturer previously submitted, on or after January 1, 2000, to the Very High Production Volume Challenge Program conducted by the Environmental Protection Agency or to any foreign government. A manufacturer would be required to submit to the department, by October 1, 2009, and on or before October 1 annually thereafter, the information the manufacturer submitted to those entities the previous calendar year.*

*The bill would require the department, by January 1, 2009, to adopt regulations that establish minimum requirements for the environmental health information that a manufacturer is required to provide to the department. The department would be required, by October 1, 2009, to determine the technical feasibility of adopting regulations to require a manufacturer of a high volume production chemical to provide additional information relating to that high volume production chemical's ability to contribute to certain health effects and a manufacturer would be required to submit to the department, in an electronic format specified by the department, this environmental health information.*

*The department would also be required, by October 1, 2009, to establish a system for tracking the manufacture and use of high production volume chemicals in the state and would be authorized to require a manufacturer to supply this information.*

*The department would be required to establish a fee schedule specifying the amount of the fees that a manufacturer would be required to pay when submitting information to the department. The department would be required to deposit all fees collected in an appropriate subaccount in the High Production Volume Chemical Account, which the bill would create in the State Treasury. The department would be authorized to expend the fee revenues, upon appropriation by the Legislature, to implement the bill's requirements.*

*The bill would authorize the Director of Toxic Substances Control to exempt, from requirements of the bill, a high volume production chemical for which the manufacturer can make a specified demonstration.*

*The bill would prohibit a manufacturer of a high production volume chemical who does not comply with the bill's requirements, as determined by the department, from manufacturing that high production*

*volume chemical within the state, importing that high production volume into the state, incorporating that high production volume chemical into an article within the state, or using that high production volume in a commercial process or application in the state.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Chapter 6.93 (commencing with Section 25430)  
2 is added to Division 20 of the Health and Safety Code, to read:

3  
4           CHAPTER 6.93. HIGH PRODUCTION VOLUME CHEMICALS

5  
6     25430. For the purposes of this chapter, the following  
7 definitions apply:

8     (a) “Chemical” means a chemical substance as defined in  
9 Section 3 of the Toxic Substances Control Act (13 U.S.C. Sec.  
10 2602).

11     (b) “Department” means the Department of Toxic Substances  
12 Control.

13     ~~(c) “Environmental health information” means information that~~  
14 ~~is required under Annex X of the Regulation (EC) 1097/2006~~  
15 ~~adopted by the European Commission on December 18, 2006, and~~  
16 ~~information relating to whether the chemical causes or has the~~  
17 ~~potential to cause endocrine disruption, immunotoxicity, respiratory~~  
18 ~~toxicity, neurotoxicity, developmental toxicity, or childhood~~  
19 ~~cancers.~~

20     ~~(d) “High production volume chemical” means a chemical that~~  
21 ~~is manufactured in, or imported into, the United States in an amount~~  
22 ~~equal to, or greater than, 1,000,000 pounds per year.~~

23     ~~(e) “Information submission schedule” means either of the~~  
24 ~~following:~~

25     ~~(1) A first submission, on or before January 1, 2011, for a~~  
26 ~~chemical in commerce on that date, or within one year from the~~  
27 ~~end of the year in which the chemical is first manufactured.~~

28     ~~(2) Subsequent submissions of new environmental health~~  
29 ~~information of a chemical within 90 days that the new information~~  
30 ~~becomes available.~~

1 (c) “Environmental health information” means information on  
2 the environmental and human health effects of chemicals, including  
3 but not limited to, information derived from animal studies and  
4 epidemiological studies, structural analysis, and a chemical’s  
5 physical properties, as well as information relating to a chemical’s  
6 uses, production volumes, and exposure pathways.

7 (d) “High production volume chemical” means a chemical that  
8 is manufactured in, or imported into, the United States in an  
9 amount equal to, or greater than, 1,000,000 pounds per year.

10 (e) “Manufacturer” means a person that manufactured, sold,  
11 used, released, supplied, or distributed in the United States more  
12 than 1,000,000 million pounds of a chemical for any calendar year  
13 between January 1, 2000, to December 31, 2006, and who  
14 manufactures, sells, uses, releases, supplies, distributes, in, or who  
15 imports that chemical for sale or distribution in, the state.

16 (f) “Office” means the Office of Environmental Health Hazard  
17 Assessment.

18 ~~25431. (a) A manufacturer of a high production volume~~  
19 ~~chemical shall provide to the department all of the following:~~

20 ~~(1) The environmental health information for a high production~~  
21 ~~volume chemical submitted in accordance with the information~~  
22 ~~submission schedule.~~

23 ~~(2) Identification of the industry sectors to which the~~  
24 ~~manufacturer sells more than 5 percent of the high production~~  
25 ~~volume chemical.~~

26 ~~(3) Identification of the industry sectors identified pursuant to~~  
27 ~~subdivision (b) whose products are likely to be exposed to humans.~~

28 ~~(4) Additional information deemed necessary by the department~~  
29 ~~regarding the actual or potential adverse effects of the high~~  
30 ~~production volume chemical to human health or the environment.~~

31 ~~(b) A high production volume chemical for which the~~  
32 ~~manufacturer fails to comply with subdivision (a), as determined~~  
33 ~~by the department, shall not be manufactured within, imported~~  
34 ~~into, incorporated into an article within, the state, or used in a~~  
35 ~~commercial process or application in the state.~~

36 ~~(c) If the department determines that the information received~~  
37 ~~pursuant to subdivision (a) is not sufficient or reliable, the~~  
38 ~~department may require the manufacturer to submit additional~~  
39 ~~information.~~

1 ~~(d) The department shall make available to the public all~~  
2 ~~information provided to it pursuant to subdivision (a).~~

3 25431. (a) *On or before October 1, 2008, a manufacturer shall*  
4 *submit to the department, in an electronic format specified by the*  
5 *department, all environmental health information that the*  
6 *manufacturer submitted on or after January 1, 2000, to December*  
7 *31, 2007, inclusive, to either of the following:*

8 *(1) The High Production Volume Challenge Program conducted*  
9 *by the Environmental Protection Agency.*

10 *(2) A foreign government, including, but not limited to, the*  
11 *information required by the European Commission under EC*  
12 *1907/2006, and the information submitted to the Ministry of the*  
13 *Environment pursuant to the Canadian Environmental Protection*  
14 *Act of 1999.*

15 *(b) On or before October 1, 2009, and on or before October 1*  
16 *annually thereafter, a manufacturer shall submit to the department*  
17 *all environmental health information the manufacturer submitted*  
18 *the previous calendar year to the programs or entities specified*  
19 *in paragraphs (1) and (2) of subdivision (a).*

20 *(c) The department may establish a process to allow joint*  
21 *submissions from different manufacturers of the same chemical,*  
22 *and other processes that reduce redundancy and duplication of*  
23 *the information.*

24 *(d) On and after the effective date of the regulations adopted*  
25 *pursuant to Sections 25432 and 25433, a manufacturer shall submit*  
26 *to the department, in an electronic format specified by the*  
27 *department, any environmental health information that the*  
28 *manufacturer is required to submit pursuant to those regulations.*

29 *(e) The department may specify formats, protocols, and*  
30 *schedules for use by a manufacturer to submit information to*  
31 *comply with this section and Sections 25432 and 25433.*

32 25432. (a) *On or before January 1, 2009, the department shall*  
33 *adopt regulations that establish minimum requirements for the*  
34 *environmental health information that shall be provided to the*  
35 *department by a manufacturer of a high production volume*  
36 *chemical.*

37 *(b) The department may adopt regulations that establish*  
38 *requirements in two or more tiers, including a screening level for*  
39 *the environmental health information that shall be submitted for*  
40 *all high production volume chemicals, and more comprehensive*

1 information that shall be submitted, based on an evaluation of the  
2 data provided in the first tier.

3 (c) In adopting regulations pursuant to this section, the  
4 department shall consider international models in developing these  
5 regulations including European Commission regulation 1907/2006,  
6 known as Registration, Evaluation, and Authorization of Chemicals  
7 or “REACH,” and similar requirements in any state or federal  
8 statute that regulates the use of pesticides.

9 (d) The department may, upon considering the environmental  
10 health information received pursuant to Section 25431, exempt a  
11 manufacturer from providing the additional data required by this  
12 section, if the department determines the manufacture is in  
13 compliance with the minimum requirements of the regulations.

14 (e) The regulations shall contain requirements that the  
15 department finds are adequate to determine, at a minimum, whether  
16 a high production volume chemical contributes, or could contribute  
17 to, cancer or reproductive toxicity.

18 25433. (a) On or before October 1, 2009, the department shall  
19 determine the technical feasibility of adopting regulations to  
20 require a manufacturer of a high volume production chemical to  
21 provide additional information relating to that high volume  
22 production chemical’s ability to contribute to the following health  
23 effects:

24 (1) Developmental toxicity.

25 (2) Genetic toxicity.

26 (3) Neurotoxicity.

27 (4) Immunotoxicity.

28 (5) Endocrine disruption.

29 (6) Respiratory toxicity.

30 (b) If the department determines that requiring the information  
31 in subdivision (a) is technically feasible, the department shall  
32 require each manufacturer of that high volume production chemical  
33 to submit this additional information on an appropriate schedule.

34 (c) The department may revise the regulation adopted pursuant  
35 to this section at its discretion as new information becomes  
36 available.

37 25434. (a) On or before October 1, 2009, the department shall  
38 establish a system for tracking the manufacture and use of high  
39 production volume chemicals in the state to determine, at a  
40 minimum, all of the following:

1     (1) *The known and intended uses of the chemical, including*  
2 *whether those uses are, or are likely to, result in worker, consumer,*  
3 *community, or environmental exposure to the chemical.*

4     (2) *Volume of the high production volume chemical that is sold*  
5 *manufactured or imported into the state.*

6     (3) *Volume of the high production volume chemical that is sold*  
7 *manufactured or imported into the state for each known or intended*  
8 *use of that chemical.*

9     (b) *The department may require a manufacturer to supply the*  
10 *information required pursuant to subdivision (a).*

11     25435. *The department may collaborate with the office in the*  
12 *adoption of the regulations required pursuant to Sections 25432*  
13 *and 25433.*

14     25436. (a) *The department shall establish a fee schedule*  
15 *specifying the amount of the fees that shall be paid by a*  
16 *manufacturer when submitting information to the department. The*  
17 *fee amounts shall not exceed the department's reasonable costs*  
18 *of implementing this chapter.*

19     (b) *A manufacturer required to submit information to the*  
20 *department pursuant to this chapter shall accompany the*  
21 *submission of the information with the fee required by the*  
22 *department pursuant to this section.*

23     (c) *The department shall deposit all fees collected pursuant to*  
24 *this section in an appropriate subaccount in the High Production*  
25 *Volume Chemical Account, which is hereby created in the State*  
26 *Treasury. The department may expend the fee revenues, upon*  
27 *appropriation by the Legislature, to implement this chapter.*

28     25437. *The Director of Toxic Substances Control may exempt,*  
29 *from a requirement of this chapter, including allowing for a*  
30 *decreased fee, any high volume production chemical for which the*  
31 *manufacturer can demonstrate that only a de minimus amount of*  
32 *that high volume production chemical is manufactured, sold, used,*  
33 *released, supplied or distributed, or imported into the state.*

34     25438. *If a manufacturer is not in compliance with this chapter,*  
35 *as determined by the department, with regards to a high production*  
36 *volume chemical, the manufacturer may not take any of the*  
37 *following actions:*

38     (a) *Manufacture that high production volume chemical within*  
39 *the state.*

40     (b) *Import that high production volume into the state.*

- 1     (c) *Incorporate that high production volume chemical into an*
- 2     *article within the state.*
- 3     (d) *Use that high production volume in a commercial process*
- 4     *or application in the state.*